IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No. 6265 of 2005

State of Maharashtra . Applicant.

vs

Balasaheb Hindurao Patil ..Respondent

Mrs P H Kantharia, Addl. P.P for the Applicant.

CORAM: V.G.PALSHIKAR, Acg, C.J. &
SMT NISHITA MHATRE , J.

DATE: SEPTEMBER 25, 2006

P.C.:

By this application leave is sought against the order of acquittal passed by the appeal court acquitting the accused under section 354 of IPC. The order of acquittal takes a different view of the evidence on record than the one taken by the Magistrate while recording conviction . This therefore is a case where two possible views have been taken by two court of competent jurisdiction. The view taken by the appeal court granting acquittal cannot be called perverse.

Hence application is rejected.